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Attorneys for Defendant/Counter-Plaintiff,
 Keating Dental Arts, Inc.

IN THE UNITED STATES DISTRICT COURT
 FOR THE CENTRAL DISTRICT OF CALIFORNIA
 SOUTHERN DIVISION

JAMES R. GLIDEWELL DENTAL
 CERAMICS, INC. dba
 GLIDEWELL LABORATORIES,

Plaintiff/Counter-defendant,
 v.

KEATING DENTAL ARTS, INC.

Defendant/Counter-Plaintiff.

Civil Action No.
 SACV11-01309-DOC(ANx)

**AMENDED INITIAL
 DISCLOSURES PURSUANT TO
 FEDERAL RULE OF CIVIL
 PROCEDURE 26(a)(1) AND L.R.
 26-1**

Honorable David O. Carter, USDJ
 Honorable Arthur Nakazato, USMJ

Pursuant to Federal Rule of Civil Procedure 26(a)(I), without waiving any claim of privilege, work produced or other basis for non-disclosure, Defendant Keating Dental Arts, Inc. ("Keating"), hereby provides its Amended Initial Disclosures.

(i) The name and, if known, the address and telephone number of each individual likely to have discoverable information - along with the subjects of that information - that the disclosing party may use to support its claims or defenses, unless the use would be solely for impeachment; information:

Witness Email Address	Address/Website/Telephone	Subject of the Likely Discoverable Information
Shaun Keating	16881 Hale Ave. Irvine, CA 92606 (800) 433-9833	Use of generic term "bruxer," lack of confusion, and related facts
Bob Brandon	16881 Hale Ave. Irvine, CA 92606 (800) 433-9833	Use of generic term "bruxer," lack of confusion, and related facts
Daxton Grubb daxton@rdentlab.com	R-Dent Dental Laboratories 6590 Summer Knoll Cove Bartlett, TN 38134 www.rdentlab.com 372-8020	Glidewell demands to stop using R BRUX Trademark, and related facts
Robert P. Marbach sevices@authenticlab.com	Authentic Dental Lab 1950 Bandera Rd. San Antonio, TX 78228 www.authenticlab.com 735-1433	Glidewell demands to stop using "BRUX" crowns on Authentic's website, and related facts
Rick Everson reverson@dentalservices.net	Sentage Corporation 5775 Wayzata Blvd. Suite 890 Minneapolis, MN 55416 www.dentalservices.net 345-6300	BRUX-EZE Trademark and related facts

Witness Email Address	Address/Website/Telephone	Subject of the Likely Discoverable Information
Robin A. Carden	Glidewell Laboratories 4141 MacArthur Blvd Newport Beach, CA 92660 (800) 854-7256	Use of "bruxer" and "zirconia" as generic terms.
Dr. William Belton	403 Vonderburg Dr. Suite 201 Brandon, FL 33511 (813) 689-5098	Absence of confusion between marks Bruxzir and KDZ Bruxer. "Bruxzir" on Rx form meant to communicate generic term for a bruxer crown.
Dr. David Bonner	101 Binkley PO Box 592 Dumas, TX 79029 (806) 935-6811	Absence of confusion between marks Bruxzir and KDZ Bruxer. "Bruxzir" on Rx form meant to communicate generic term for a bruxer crown.
Dr. Jonathan Campbell	Legacy Dental 1345 E. 3900 South Suite 116 Salt Lake City, UT 84124 (801) 278-4223	Absence of confusion between marks Bruxzir and KDZ Bruxer. "Bruxzir" on Rx form meant to communicate generic term for a bruxer crown.
Dr. Joseph Jacquinot	Platteville Dental 1270 N. Water St. Platteville, WI 53818 (608) 348-2393	Absence of confusion between marks Bruxzir and KDZ Bruxer. "Bruxzir" on Rx form meant to communicate generic term for a bruxer crown.
Dr. Dennis Murphy	310 Terrace Ave. Suite #102 Cincinnati, OH 45220 (513) 221-1550	Absence of confusion between marks Bruxzir and KDZ Bruxer. "Bruxzir" on Rx form meant to communicate generic term for a bruxer crown.
Dr. Terry L. Myers	109 Apple Valley Parkway Belton, MO 64012 (816) 331-4200	Absence of confusion between marks Bruxzir and KDZ Bruxer. "Bruxzir" on Rx form meant to communicate generic term for a bruxer crown.

Witness Email Address	Address/Website/Telephone	Subject of the Likely Discoverable Information
Dr. Samir Rana	60 Beaverbrook Rd. Lincoln Park, NJ 07035 (973) 633-5666	Absence of confusion between marks Bruxzir and KDZ Bruxer. "Bruxzir" on Rx form meant to communicate generic term for a bruxer crown.
Dr. Michael Razzano	12910 Hwy 92 #107 Woodstock, GA 30188 (770) 592-2600	Absence of confusion between marks Bruxzir and KDZ Bruxer. "Bruxzir" on Rx form meant to communicate generic term for a bruxer crown.
Dr. Stan Richardson	780 Nissan Dr. Smyrna, TN 37167 (615) 355-1062	Absence of confusion between marks Bruxzir and KDZ Bruxer. "Bruxzir" on Rx form meant to communicate generic term for a bruxer crown.
Dr. Trevor Scheff	6300 Limestone Rd. Suite D Hockessin, DE 19707 (302) 239-7277	Absence of confusion between marks Bruxzir and KDZ Bruxer. "Bruxzir" on Rx form meant to communicate generic term for a bruxer crown.
Dr. Scott Stephens	2538 E Joyce Blvd. Fayetteville, AR 72703 (479) 442-3915	Absence of confusion between marks Bruxzir and KDZ Bruxer. "Bruxzir" on Rx form meant to communicate generic term for a bruxer crown.
Dr. Robert T. Wooton	3000 N Interstate 35 Austin, TX 78705 (512) 472-2246	Absence of confusion between marks Bruxzir and KDZ Bruxer. "Bruxzir" on Rx form meant to communicate generic term for a bruxer crown.
Dr. Tony D. Wu	155 E. 38th Suite 2D New York, NY 10016 (212) 682-0888	Absence of confusion between marks Bruxzir and KDZ Bruxer. "Bruxzir" on Rx form meant to communicate generic term for a bruxer crown.
Expert witnesses to be identified		

(ii) A copy - or a description by category and location - of all documents, electronically stored information ("ESI"), and tangible things that the disclosing party has in its possession, custody, or control and may use to support its claims or defenses, unless the use would be solely for impeachment:

Disclosure: Pursuant to appropriate terms of the Confidentiality Order, Keating will make available for inspection and copying responsive documents, ESI, and tangible things as indicated below. Defendant notes that Defendant already has identified to Plaintiff at least certain of the items listed. Also subject to an appropriate Protective Order and further review, Defendants may produce or make available under Federal Rule of Civil Procedure 34 additional documents/evidence, as those may come to the attention of Defendant.

Description, etc.
The trademarks and related information disclosed in the attachment to an email dated November 16, 2011 to Plaintiff's counsel Mr. Tachner, from Defendant's counsel.
Correspondence from Glidewell to third parties regarding the use by those third parties of the term BRUX or BRUX-related words.
Defendant's order forms and related records, as provided to and as received from dentists.
Defendant's sales records relating the products sold under Defendant's trademark KDZ BRUXER AND DESIGN.
Scholarly articles using the terms "zirconia" or "bruxer", "brux", "bruxism", or other related terms with a root of "brux."
Patents and patent applications using the terms "zirconia" or "bruxer", "brux", "bruxism", or other terms with a root of "brux."
Advertisements from Glidewell Laboratories showing use of "bruxzir" to indicate the product itself and not as a brand name. Copies of material from Glidewell's websites www.glidewell dental.com , www.bru xzir.com as well as other advertisements by Glidewell.
Defendant's and third party advertisements that show use of the term "bruxer," "brux," or other related words to refer generically to a bruxer crown product.

(iii) A computation of each category of damages claimed by the disclosing party ~ who must also make available for inspection and copying as under Rule 34 the documents or other evidentiary material, unless privileged or

1 protected from disclosure, on which each computation is based, including
 2 materials bearing on the nature and extent of injuries suffered.

3
 4 **Disclosure:** Defendant and Counterclaim-Plaintiff has not
 5 calculated its damages at this time, and is not in possession of the
 6 information necessary to do so. Among other things, Defendant and
 Counter-Defendant anticipates (1) possibly hiring an expert to do so, and
 (2) forwarding that expert's report in compliance with all applicable Rules
 and Orders.

7 In any case, such damages are likely to be based at least in part on
 8 obtaining an award from the Court of misuse of trademark and/or other
 bad faith violations by Plaintiff, the amount and nature of Plaintiff's
 9 unlawful activities in improperly restricting lawful competition, the extent
 to which remedial communications and advertising may be necessary to
 10 attempt to redress same, and other factors. Those issues and activities
 appear to be continuing and therefore the subject of ongoing discovery.

11 Among other things, the damages are likely to include calculations
 12 of Plaintiff's profits and/or Defendant's lost profits. In addition, Defendant
 reserves the right to appropriately designate with appropriate terms of
 13 confidentiality under the Confidentiality Order any and/or all such
 disclosures. Notwithstanding the foregoing, for the convenience of the
 14 parties and the Court, Defendant identifies at least the following
 categories of damages it expects will be included in the foregoing
 disclosures.

Category of Damages
Attorney fees and costs
Punitive damages
Lost sales
Interference with existing/prospective business relationships
Damages to business reputation
Employee time
Out-of-pocket expenses
Other

25 (iv) For inspection and copying as under Rule 34, any insurance
 26 agreement under which an insurance business may be liable to satisfy all or part
 27 of a possible judgment in the action or to indemnify or reimburse for payments
 28 made to satisfy the judgment.

The Hartford Business Liability Policy 72 SBA AB1425, with effective dates of 09/04/2010 to 09/04/2011 and 09/04/2011 to 09/04/2012.

The undersigned counsel certifies under Federal Rule of Civil Procedure 26(g) that, after reasonable inquiry and to the best of his/her knowledge, the Disclosures contained above are accurate and complete as of the present time.

Dated: August 23, 2012

By:

Attorneys for Plaintiff,
Keating Dental Arts, Inc.

PROOF OF SERVICE

I am a citizen of the United States of America and I am employed in Irvine, California. I am over the age of 18 and not a party to the within action. My business address is 2040 Main Street, Fourteenth Floor, Irvine, California. On August 23, 2012, I caused the within **AMENDED INITIAL DISCLOSURES PURSUANT TO FEDERAL RULE OF CIVIL PROCEDURE 26(a)(1) AND L.R. 26-1** to be served on the parties or their counsel shown below, by placing it in a sealed envelope addressed as follows:

VIA Email and First Class Mail

Leonard Tachner, Esq.
LEONARD TACHNER, A Professional Law Corp.
17961 Sky Park Circle, Suite 38-E
Irvine, CA 92614-6364
Email: ltachner@aol.com

I declare that I am employed in the office of a member of the bar of this Court at whose direction the service was made.

Executed on August 23, 2012 at Irvine, California.



Peter Toller